IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 12210 of 2007(C)

PETITIONER:

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1. C.SIVADASAN, (INSPECTOR, K.S.R.T.C. KANIYAPURAM, RETIRED ON 30.4.03), SAROJA NILAYAM, THUNDATHIL P.O., THIRUVANANTHAPURAM.

2. G.MOHANAKUMAR, CONDUCTOR, K.S.R.T.C., ATTINGAL, THIRUVANANTHAPURAM.

BY ADV. SRI.K.P.RAJEEVAN

RESPONDENTS:

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1. THE KERALA STATE ROAD TRANSPORT CORPORATION, REPRESENTED BY ITS MANAGING DIRECTOR, TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM.

2. THE DISTRICT TRANSPORT OFFICER, K.S.R.T.C., ATTINGAL.

3. K.S.T.WORKERS' CO-OPERATIVE SOCIETY LTD.NO.T-133, REPRESENTED BY ITS SECRETARY, THAMPANOOR, THIRUVANANTHAPURAM.

BY ADV. SRI.N.UNNIKRISHNAN,SC KSTW CO.OP SOCIETY
ADV.SRI.JOHNSON.P.JOHN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 TRUE COPY OF THE CERTIFICATE ISSUED BY THE SECOND RESPONDENT TO THE FIRST PETITIONER.

EXT.P2 TRUE COPY OF SALARY SLIP OF THE SECOND PETITIONER FOR THE MONTH OF DECEMBER 2006

RESPONDENT'S EXHIBITS

EXT.R3(A) TRUE COPY OF STATEMENT OF RECOVERY POSITION OF THE WRIT PETITIONER IN W.P.C.NO.12210/07

/True Copy/

K. M. JOSEPH, J.

W.P.C. NO. 12210 OF 2007 C

Dated this the 6th July, 2007

JUDGMENT

First petitioner availed a loan. Second petitioner stood surety. According to petitioners, as evident from Ext.P1, the amount was recovered from the salary of the first petitioner in a sum of Rs.48,503/=. But, there was delay on the part of the first respondent in remitting the amount to the third respondent. This resulted in a further demand and recovery of four months' salary from the second petitioner amounting to Rs.6,000/=. Counsel for first respondent submits that the first respondent will pay the third respondent interest at the rate of six per cent for the delayed payments. He further submits that after the Account is so settled, the excess amount, if any, recovered from the petitioners will be reimbursed to them. These submissions are recorded. The third respondent Society will consider the question of return of share capital in accordance with law. The third respondent Society will serve a Statement showing the

Accounts in respect of the petitioners to the first respondent within a period of two weeks from the date of receipt of a copy of this Judgment.

The Writ Petition is disposed of as above.

K. M. JOSEPH, JUDGE

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